

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Kron Yowpp,

Case No. 3:22-cv-904

Petitioner,

v.

ORDER

Harold May, Warden,

Respondent.

Before me is the August 9, 2023 Report and Recommendation of Magistrate Judge Carmen E. Henderson, recommending I deny *pro se* Petitioner¹ Kron Yowpp's petition for a writ of habeas corpus under 28 U.S.C. § 2254 because Yowpp's grounds for relief are procedurally defaulted, not cognizable in habeas proceedings, or both. (Doc. No. 16).

Under the relevant statute, "[w]ithin fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court." 28 U.S.C. § 636(b)(1); *United States v. Walters*, 638 F.2d 947, 949 (6th Cir. 1981). The deadline to file objections was August 23, 2023. The petitioner has not filed any objections and that deadline has passed.

The failure to file written objections to the Magistrate Judge's Report and Recommendation constitutes a waiver of a determination by the district court of an issue covered in the report.

¹ Yowpp is incarcerated at the Mansfield Correctional Institution in Mansfield, Ohio, where Harold May currently is the Warden. The Clerk of Court is ordered to substitute May as the Respondent in this case. Fed. R. Civ. P. 25(d).

Thomas v. Arn, 728 F.2d 813, 815 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see also Walters*, 638 F.2d at 950; *Smith v. Detroit Fed'n of Teachers, Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987) (“[O]nly those specific objections to the magistrate’s report made to the district court will be preserved for appellate review.”).

Following my review of the Magistrate Judge’s Report and Recommendation, I accept Judge Henderson’s recommendation and dismiss Yowpp’s petition. (Doc. No. 1). Further, I certify there is no basis on which to issue a certificate of appealability. 28 U.S.C. § 2253; Fed. R. App. P. 22(b).

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge